UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/1195
7 July 1994

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL COUNTRIES
AND PEOPLES

GIBRALTAR

Working paper prepared by the Secretariat

CONTENTS

		Paragraphs	Page
I.	GENERAL	1 - 2	3
II.	ACTION BY THE GENERAL ASSEMBLY	3 - 7	3
III.	CONSIDERATION BY THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES	8 - 11	4
IV.	POLITICAL DEVELOPMENTS	12 - 38	4
	A. General	12 - 15	4
	B. General elections	16	5
	C. Future status	17 - 35	5
	D. Other developments	36 - 37	9
	E. Public service	38	9
V.	ECONOMIC CONDITIONS	39 - 57	9
	A. General	39 - 41	9

CONTENTS (continued)

		Paragraphs	Page
	B. Public finance	42 - 44	10
	C. Trade	45	10
	D. Investment, finance and banking	46 - 50	10
	E. Transportation, communications and utilities	51 - 57	11
VI.	SOCIAL AND EDUCATIONAL CONDITIONS	58 - 81	12
	A. Labour	58 - 61	12
	B. Human rights and the status of women	62 - 65	13
	C. Crime and crime prevention	66 - 68	14
	D. Environment	69 - 71	14
	E. Housing	72 - 74	15
	F. Public health	75 - 77	15
	G. Education	78 - 81	15

GIBRALTAR 1/

I. GENERAL

1. Gibraltar is a narrow peninsula extending southward from the south-west coast of Spain, to which it is connected by an isthmus about 1.6 kilometres long. The Spanish port of Algeciras lies 8 kilometres across the bay to the west; the continent of Africa is situated 32 kilometres across the Strait to the south. According to the United Kingdom of Great Britain and Northern Ireland, the area of Gibraltar is 5.86 square kilometres, and according to Spain, it is 4.8 square kilometres.

2. According to the census of Gibraltar taken on 14 October 1991, Gibraltar's civilian population in 1991 was 28,074, consisting of 20,022 Gibraltarians, 5,182 other British subjects, including families of British servicemen stationed in Gibraltar, but excluding servicemen, and 2,870 aliens.

II. ACTION BY THE GENERAL ASSEMBLY

3. The Special Political and Decolonization Committee (Fourth Committee) considered the question of Gibraltar at its 3rd, 8th and 13th meetings, on 12, 25 and 29 October 1993, respectively.

4. At the 3rd meeting, on 12 October, with the Committee's consent, the Honourable Joe Bossano, Chief Minister of Gibraltar, made a statement in which he stated, inter alia (A/C.4/48/SR.3, para. 29): "The sense of identity of the people of Gibraltar has grown and deepened. The people of Gibraltar love their homeland and seek recognition of their identity by the family of nations."

5. At the 8th meeting, on 25 October, the Chairman of the Special Political and Decolonization Committee (Fourth Committee) drew attention to a draft consensus on the question of Gibraltar submitted by him and contained in document A/C.4/48/L.6 (see A/C.4/48/SR.8).

6. At its 13th meeting, on 29 October, the Special Political and Decolonization Committee (Fourth Committee) adopted draft resolution A/C.4/48/L.6 without objection (A/C.4/48/SR.13).

7. On 10 December 1993, the General Assembly, on the recommendation of the Special Political and Decolonization Committee (Fourth Committee), adopted the following text without a vote as representing the consensus of the members of the Assembly:

> "The General Assembly, recalling its decision 47/411 of 25 November 1992 and recalling at the same time that the statement agreed to by the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland at Brussels on 27 November 1984 (A/39/732, annex), stipulates, inter alia, the following:
>
> 'The establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting

> cooperation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and environmental matters. Both sides accept that the issues of sovereignty will be discussed in that process. The British Government will fully maintain its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution',
>
> takes note of the fact that, as part of this process, the Ministers for Foreign Affairs of Spain and the United Kingdom of Great Britain and Northern Ireland have held annual meetings alternately in each capital ... and urges both Governments to continue their negotiations with the object of reaching a definitive solution to the problem of Gibraltar in the light of relevant resolutions of the General Assembly and in the spirit of the Charter of the United Nations."

III. CONSIDERATION BY THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

8. The Special Committee considered the question of Gibraltar at its 1421st meeting, on 14 July 1993.

9. At the same meeting, with the Special Committee's consent, the Honourable Joe Bossano, Chief Minister of Gibraltar, made a statement in which he said, inter alia (A/AC.109/PV.1421, p. 18): "We Gibraltarians are committed to the eradication of colonialism; we demand our right as a colonial people, and seek the protection of the Committee in ensuring preservation of this right."

10. At the same meeting, the representative of Spain reiterated the position of his Government on the question of Gibraltar (A/AC.109/PV.1421).

11. Also at its 1421st meeting (see A/AC.109/PV.1421), the Special Committee decided without objection to continue its consideration of the item at its next session, subject to any directives the General Assembly might give at its forty-eighth session. The Committee also decided to transmit the relevant documentation to the Assembly in order to facilitate consideration of the item by the Special Political and Decolonization Committee (Fourth Committee).

IV. POLITICAL DEVELOPMENTS

A. General

12. The 1969 Constitution of the Territory remains in effect. 2/ It provides for a single House of Assembly consisting of 15 elected members, together with a Speaker, the Attorney-General and the Financial Development Secretary as ex officio members. Executive authority is vested in the Governor, who is responsible for defence, external affairs, internal security and all matters that are not expressly defined as being of domestic concern.

13. Sir John Chapple took up the Office of Governor of Gibraltar in April 1993. He succeeded Sir Derek Reffell, who had held that position from 1989 to 1993. 3/

14. According to press reports, in August 1993, the Gibraltar National Party (GNP) called for constitutional reform. GNP was particularly critical about the reserve powers of the Governor of the Territory and argued that the right of the Governor to take decisions unilaterally without consulting the territorial Legislative Assembly was anachronistic and could undermine democracy. 4/

15. According to press reports, 5/ in February 1994, the Transport and General Workers' Union (TGWU), the main trade union in the Territory, called for reform of the Constitution of Gibraltar and for the abolition of the Governor's reserve powers. The trade union also suggested the establishment of a tripartite economic and social council with the participation of the territorial Government, trade unions and the Chamber of Commerce, which would be in charge of formulating socio-economic policy.

B. General elections

16. It will be recalled that the general elections for the 15 seats in the House of Assembly were held on 17 January 1992. The Gibraltar Socialist Labour Party (GSLP) received 73.07 per cent of the votes, winning eight seats, while GNP, with 4.66 per cent of the votes, failed to obtain an Assembly seat. 6/ Mr. Joe Bossano, the leader of GSLP, received 9,228 votes and thus was re-elected Chief Minister of Gibraltar. The leader of the Gibraltar Social Democratic Party, Mr. Peter Caruana, who obtained 3,065 votes, became leader of the Opposition. 7/

C. Future status

17. In his address to the General Assembly on 30 September 1993, Mr. Javier Solana Madariaga, Foreign Minister of Spain stated (see A/48/PV.11):

> "Once again this year I have to mention a matter, that, as the Assembly knows, is of fundamental importance to Spain, namely, the decolonization of Gibraltar. I wish to reiterate my Government's firm decision to continue the process of negotiation with the United Kingdom in a constructive spirit and on the basis of the Brussels Declaration of 27 November 1984. Those negotiations should duly take into account the legitimate interests of the population, but be based on the doctrine established by the General Assembly that the decolonization of Gibraltar is not a case of self-determination but the restoration of the territorial integrity of Spain. The Spanish Government firmly hopes that those negotiations will finally eliminate this anachronism."

18. Mr. Douglas Hurd, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, made no reference to Gibraltar in his address to the General Assembly on 28 September 1993 (see A/48/PV.6).

19. On 24 November 1993, in a keynote address to a conference on British dependent Territories entitled "Progress through Development", Mr. Douglas Hurd, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, stated:

> "Gibraltar is a particular case, the most obvious peculiarity is that it is the only British dependent Territory within the European Union and it is there by virtue of the United Kingdom's Treaty of Accession. Secondly, and perhaps less obviously, independence is not a practical option for Gibraltar without the consent of its neighbour. It does not, therefore, have unfettered scope to choose its own status. But equally it is not true to us, the British Government, a metropolitan Power, that no change in the status can be forced on Gibraltarians and that is why we have as successive British Governments reiterated the guarantees to the people of Gibraltar set out in their 1969 Constitution."

Position of the Government of Gibraltar

20. The Chief Minister of Gibraltar, Mr. Joe Bossano, outlining the position of his Government at the above-mentioned conference (see para. 19) stated that various options of self-determination had been considered by Gibraltar. On the question of Gibraltar's position in the European Union, Mr. Bossano said that Gibraltar would be envious of some of the Dutch and French Territories, which were integrated with the metropolis but had total self-government. The Chief Minister emphasized that although independence might not be the only route of self-determination, one should not neglect the case of Andorra, where a referendum had led to independence and a seat at the United Nations. Mr. Bossano criticized any reference to the Treaty of Utrecht when considering the future of Gibraltar. 8/

21. Referring to the role of administering Powers, the Chief Minister said that, in his opinion, it was a type of trusteeship in which they should carry out duties on behalf of the people, in the way trustees of a pension fund did for pensioners. He pointed out that the United Kingdom had a moral and international obligation to defend Gibraltar. 8/

22. Characterizing the status of relations between Gibraltar and the United Kingdom, Mr. Bossano emphasized the strength of feeling of Gibraltarians as a people of great loyalty to and affection for Britain. He said that there was a common culture and heritage, including political systems. Mr. Bossano also stated:

> "We should not be told by the metropolis what we are going to handle. We should tell them what we think we cannot handle and what we require them to do on our behalf ... In the areas where they handle external affairs, these matters are being handled on our behalf and must therefore not be made subservient to the interests of that State which is acting as our agent."

In the view of the Chief Minister, such an approach would lead to a more equal partnership. 8/

23. According to press reports, 9/ on 24 February 1994, the leader of the Opposition, Mr. Peter Caruana, criticized the territorial Government for political recklessness with Gibraltar's future, which was resulting in Gibraltar's unnecessary and increasing isolation and impoverishment. He was particularly concerned with the territorial Government's secrecy and lack of financial accountability.

24. Also according to press reports, 10/ on 24 February 1994, the leader of GNP, Mr. Joseph Garcia, made a statement in which he called upon Gibraltarians to create a national salvation front. He stated:

> "It is clear that the threats to Gibraltar from the outside continue to mount, with pressure from Britain, Spain and the European Union in certain quarters. The National Party considers that in the best historical traditions of the Gibraltarians, it is vitally important that there should be unity in fundamental matters ... It is equally important that consideration be given to setting up a national salvation front to deal with the serious threats to our very existence ... It is imperative that we get our act together and realize that we are all Gibraltarians and that the best way to achieve our objective is to stand together against these threats." 10/

Anglo-Gibraltar negotiations

25. According to press reports, 11/ a round of talks between the representatives of the administering Power and the territorial Government took place in London in February 1994. The same sources indicate that among the issues discussed during those negotiations were the following: the future status of Gibraltar, its status in the European Union, constitutional developments in the Territory, and sustainable economic growth in Gibraltar.

Anglo-Spanish negotiations

26. The negotiating process established by the Brussels Joint Communiqué of 27 November 1984 was aimed at overcoming all differences over Gibraltar by promoting cooperation between the parties concerned, on a mutually beneficial basis, as well as by discussing the issues of sovereignty.

27. It will be recalled that the United Kingdom reportedly maintained that since Gibraltar was part of the European Community (subsequently renamed the European Union) under article 227 of the Treaty of Rome, exempting Gibraltar from the External Frontiers Convention or making its inclusion subject to a bilateral frontiers agreement would be contrary to Gibraltar's status within the European Union (see A/AC.109/1074 and Corr.1, para. 15).

28. It will also be recalled that the Foreign Affairs Committee of the Congress of Deputies of Spain, at its meeting on 2 October 1991, had adopted the following non-legislative proposal submitted by the Grupo Parlamentario de Izquierda Unida-Iniciativa por Catalunya (No. 161/265), which was unanimously approved by parliamentary groups:

"The Congress of Deputies urges the Government not to sign agreements on the external frontiers of the European Community that might imply the perpetuation of its current status or detriment to the position of Spain in the negotiations to bring about the decolonization of Gibraltar and its reincorporation into the territory of Spain."

29. On 28 October 1993, the European Parliament adopted a resolution on the crossing of the EC external borders, in which it, inter alia, proposed that the disputed status of Gibraltar airport should be excluded from the issue of free movement of persons.

30. In February 1994, the Foreign Minister of Spain and the Foreign Secretary of the United Kingdom, during their meeting in Coto de Doñana, Huelva, Spain, discussed, inter alia, the question of Gibraltar in the context of the European Union. 12/

31. On 20 April 1994, the Congress of Deputies of Spain adopted the following resolution: 13/

"The Congress of Deputies urges the Government to take all necessary measures to regain the exercise of Spanish sovereignty over Gibraltar and to eliminate the British colonial presence."

32. According to press reports on 17 May 1994, 14/ it was announced that the next round of Anglo-Spanish talks had been postponed.

Airport Agreement

33. As previously reported, according to the administering Power and subject to the necessary legislation being put in place, the United Kingdom and Spain had agreed to the development of Gibraltar airport jointly coordinated by the British and Spanish authorities; the British Government had made clear at the time that they would not impose it on Gibraltar if the latter did not wish to implement it (see also A/AC.109/1007, paras. 22 and 23; and A/AC.109/1074 and Corr.1, paras. 17-23).

34. The Foreign Minister of Spain is also reported to have stated that the Airport Agreement, as well as EU civil aviation legislation related thereto, would remain valid without time limitation and would continue to impede the opening of the airport of Gibraltar for European communications. He further expressed his belief that the population of Gibraltar would sooner or later become aware of the grave consequences of that situation. He also referred to the non-legislative proposal regarding the agreement on the external frontiers of EU adopted by the Spanish Congress of Deputies (see para. 28).

35. During the period under review, the Airport Agreement continued to be a major issue in the Anglo-Spanish negotiations. Both parties maintained their positions on the question of the implementation of that Agreement.

D. Other developments

36. According to press reports, Rear Admiral Jeremy Sanders, the Commander of the British Forces in Gibraltar, stated on 20 September 1993 that Britain's defence responsibilities and essential needs in Gibraltar could probably be met with a significantly smaller resident garrison. Rear Admiral Sanders reportedly referred to the announcement made by the United Kingdom Ministry of Defence in December 1993 to the effect that during the period from 1992 to 1996, the Gibraltar garrison manpower and costs would be decreased by 30 per cent and 50 per cent respectively. Local press reports in February 1994 revealed that the Ministry of Defence was considering further reductions over and above those already announced. 15/ The same sources indicated that the territorial Government had on several occasions expressed its concern over the possible negative impact of the announced cuts in the Gibraltar garrison on the economy of the Territory. 16/

37. According to press reports, 17/ three Russian warships, Bessmeny, Druzhniy and Legkiy, visited Gibraltar from 5 to 9 August 1993, and participated in a number of activities together with HMS Brilliant of the Royal Navy.

E. Public service

38. The Public Service Commission, consisting of five members, advises the Governor on appointments and on the removal and discipline of public officers. Appointments to higher offices are made by the Secretary of State for Foreign and Commonwealth Affairs. The principal executive officers are the Deputy Governor, the Administrative Secretary, the Attorney-General and the Financial and Development Secretary.

V. ECONOMIC CONDITIONS

A. General

39. Gibraltar has no known natural resources and lacks agricultural land. The industries, trades and services in the Territory are mainly involved in supplying the needs of its population and of the large number of visitors to the Territory. The economy of Gibraltar is largely dependent on tourism and the provision of financial services such as banking, insurance, shipping and portfolio management. The Territory's per capita gross domestic product for 1990/91 was estimated at £8,271 and the per capita gross national product at £8,486, compared to £6,503 and £6,723 respectively in 1989/90. The inflation rate, which was 7.8 per cent in 1991, had declined to 5.9 per cent by the end of 1992. 18/

40. According to press reports, 19/ in March 1994, Mr. T. Richardson, Gibraltar's Coordinator at the United Kingdom Foreign Office, visited the Territory with a view to studying the economic situation and assisting the Territory in achieving economic self-sufficiency. Mr. Richardson reportedly established an Anglo-Gibraltar Joint Economic Forum, which is expected to explore possible avenues for the Gibraltar economy.

41. Press reports indicated that the Anglo-Gibraltar Joint Economic Forum had held its first meeting on 15 March 1994 in Gibraltar. The Forum would focus more closely on obtaining European Union funds for investment in Gibraltar. The Forum established two subcommittees, one entrusted specifically with the task of safeguarding employment and encouraging private sector investment. In expressing their satisfaction at the Forum meeting, officials in Gibraltar reportedly stated that the British Government and Gibraltar were for the first time sitting around the table talking bread and butter issues rather than theories. 20/

B. Public finance

42. As reported previously (see A/AC.109/1164, paras. 31-34), in the 1990/91 fiscal year, the last year for which data are available, revenue totalled £90.8 million and recurrent expenditures amounted to £67.3 million.

43. As at 31 March 1991, the public debt of Gibraltar stood at £33.6 million.

44. The legal tender of the Territory is the pound sterling. The Government of Gibraltar's currency notes of £50, £20, £10, £5 and £1 denominations, as well as its coins, are legal tender. The notes in circulation as at 31 March 1991 amounted to £12.12 million.

C. Trade

45. The total amount of imports and exports in 1991, the last year for which data are available, were £278.9 million and £70.1 million, respectively. Exports of goods of local origin remained negligible and the Territory continued to depend on the entrepôt trade, consisting of re-exports of petroleum and petroleum products supplied to shipping. Approximately 31 per cent of Gibraltar's non-fuel imports originated from the United Kingdom. Japan, Spain and Denmark were the Territory's other main sources of supplies. In 1991, foodstuffs accounted for approximately £27 million, or almost 10 per cent of Gibraltar's total imports.

D. Investment, finance and banking

46. Activities of investment, banking and financial institutions in Gibraltar are regulated in accordance with the Companies (Taxation and Concession) Ordinance. These business concerns are exempt from the payment of income tax, irrespective of the amount of profits made, and applies to dividends, interests and directors' fees and annual payments made to non-residents. Shares and debentures held in an exempt company are also not liable to estate duty in the Territory. Unless otherwise authorized, the above concerns may not carry on trade or conduct business in Gibraltar, and no Gibraltarian or residents of the Territory may have beneficial interest in such a company's shares.

47. At the end of 1991, the last year for which data are available, 12,390 companies were registered and licensed in Gibraltar.

48. During the period under review, the territorial Government continued its efforts to promote Gibraltar as an international financial centre. These efforts are currently being discussed between the administering Power and the Government of Gibraltar.

49. According to press reports, on 12 April 1994, 21/ it was announced that the financial services provided in Gibraltar would adhere to United Kingdom standards following an agreement between the two Governments. The Financial Services Commission of Gibraltar, the regulator of the financial services sector, will be appointed by, and accountable to, the Government of the United Kingdom, thereby enabling the United Kingdom to meet its responsibilities vis-à-vis the European Union. The Financial Services Commission will operate independently of both Governments. The same source indicated that the Government of Spain had expressed doubts about allowing a separate licensing authority in Gibraltar, which is part of the European Union and for whose external relations the United Kingdom is responsible. Press reports also indicate that the Government of Gibraltar had expressed its dissatisfaction with the decision of the administering Power on taking over authority for the appointment of the Financial Services Commission of Gibraltar. 22/

50. According to press reports, 23/ a Danish company, Baltica, has been investigated and is at present being prosecuted in Denmark for allegedly having paid approximately £800,000 to the Gibraltar authorities in order to obtain approval for two projects in Gibraltar. The cost of those projects, entitled Europort and Eurotowers, had been estimated at £5.4 million.

E. Transportation, communications and utilities

51. Gibraltar has approximately 43 kilometres of roads, including some 13 kilometres in the city proper. Five bus routes serviced by 16 buses maintain communications between all parts of the city, and the north and south districts. As at 31 December 1991, a total of 30,319 vehicles were registered in the Territory.

52. In 1991, a total of approximately 97,000 persons arrived in the Territory by air and 64,000 by sea. Gibraltar Airways maintains daily scheduled services to the United Kingdom and to Morocco. Most passengers arriving in the Territory by sea arrive by cruise ship or from the Moroccan port of Tangier. As reported previously (see A/AC.109/1116, paras. 29 and 30), Spain has not given permission for the resumption of the ferry service between Gibraltar and the Spanish port of Algeciras, although the Government of Spain had approved resumption by an order dated 31 January 1985. 24/

53. Airmail is dispatched by direct flight to London and via London to all destinations world wide six times a week. Letters and parcels by surface mail to and from the United Kingdom are received and dispatched via the land border five times a week.

54. Telecommunications services in the Territory are provided by Gibraltar Telecommunications, Ltd. The local telephone system is operated by Gibraltar Nynex Communications, Ltd., a joint-venture company formed in May 1990 between

the Government of Gibraltar and the Nynex International Company of the United States of America. In 1990, a new digital system and exchange became operational with a capacity of 14,000 lines. By the end of the following year the capacity had increased to 16,000. The total number of telephone stations amounted to 17,867 in December 1991, an increase of 1,108 over 1990.

55. The Electricity Department of the Government of Gibraltar continued to be responsible for the electricity supply of the Territory. During the period under review, a total of 91,555,050 kilowatt-hours were generated.

56. Four newspapers and periodicals are published in the Territory: The Gibraltar Chronicle, a daily newspaper that appears only in the English language; and The Panorama, The People and Vox, weekly periodicals published in both the English and Spanish languages.

57. Since its establishment in 1963, the Gibraltar Broadcasting Corporation (GBC) has been responsible for providing radio and television services to the Territory. GBC Radio (Radio Gibraltar) broadcasts in English and Spanish 24 hours a day. In addition to live and locally recorded programmes, transcriptions and relays by the British Broadcasting Corporation are also used. GBC Television operates for 18 hours a day in the English language. At the end of 1991, there were 7,898 licensed television sets in Gibraltar. Radio sets do not need to be licensed.

VI. SOCIAL AND EDUCATIONAL CONDITIONS

A. Labour

58. As at December 1991, the last year for which data are available, the workforce in Gibraltar totalled 14,581 and the total number of unemployed stood at 1,061. Unemployment benefits were paid out of the Social Insurance Fund. Since 1978, public sector wages and salaries have been equated at full parity with those in the United Kingdom.

59. During the period under review, the situation regarding some 380 unemployed Moroccan workers in the Territory continued to be a source of controversy between the Government of Gibraltar and TGWU, the main trade union in the Territory, to which many of the unemployed workers belong. Most are unskilled workers who have lived in Gibraltar for many years but have poor prospects for re-employment owing to the decline in the construction industry and to general adverse economic conditions. 20/

60. According to press reports in March 1994, 25/ 268 out of a total of 288 Moroccan workers employed in various government departments of Gibraltar accepted an offer for voluntary early retirement from the territorial Government and for subsequent repatriation to their country of origin. The early retirement package would be applied to all Moroccan workers irrespective of age and would include an index-linked pension based on duration of service, a tax-free gratuity, a 13-week lump-sum unemployment benefit and return travel fare to Morocco. It is expected that the index-linked pensions to be paid

during the first year would total approximately £800,000, in addition to lump-sum payments of gratuities of around £2.5 million.

61. According to press reports, 26/ in conformity with a decision of the administering Power, the Gibraltar Social Insurance Fund was liquidated as at 31 December 1993. In that connection, on 24 January 1994, the European Parliament adopted a resolution requesting the Commission of the European Communities to take the necessary steps to obtain the most detailed information possible from the United Kingdom on the decision by British authorities to dissolve and liquidate that Fund on 31 December 1993. The Parliament noted that the Fund had provided social insurance for workers on behalf of third parties in Gibraltar. The European Parliament further recalled that workers in the European Union had the right to move freely throughout EU territory and to enjoy sufficient social protection. It invited the Commission of the European Communities to ensure respect for the appropriate provisions of the treaties and of the related 1971 regulations. The European Parliament emphasized that the abolition of the Gibraltar Social Insurance Fund would cause nearly 7,500 retired Spanish workers to lose more than 2,000 million pesetas annually. 27/

B. Human rights and the status of women

62. The Gibraltar (Constitution) Order of 1969 guarantees the protection of the fundamental rights and freedoms of the individual and the maintenance of a Supreme Court with unlimited jurisdiction to hear and determine any civil or criminal proceedings under any law and with such jurisdiction and powers as are conferred upon it by the Constitution of Gibraltar, or any other law. The courts of law of the Territory consist of a Court of First Instance, a Magistrates' Court, a Court of Appeal and a Supreme Court.

63. The Substantive Law of the Territory is contained in Orders in Council and enactments of the Parliament of the United Kingdom that apply to Gibraltar, as well as in locally enacted ordinances, subsidiary legislation, the common law and the rules of equity in force in the United Kingdom, so far as they are applicable to the Territory.

64. The status of women in Gibraltar, whether married or single, and with or without family responsibilities, is similar to that enjoyed by women in the United Kingdom.

65. The Social Security (Insurance) Ordinance of Gibraltar provides for the payment of a variety of benefits and allowances to expectant mothers and widows. A maternity grant of up to £36 is payable to qualified women for every child born to them. A widow's allowance is payable for the first 13 weeks of widowhood at a standard rate of £56.70 per week; an additional sum of £6.90 per week is payable for each child up to a maximum of four children. Thereafter, a widowed mother's allowance would be given at the standard rate of £47.80 per week, with an increase of £6.90 weekly for each dependent child.

C. Crime and crime prevention

66. During 1991, the last year for which data are available, 1,188 minor and 3,605 serious crimes were reported, compared to 1,433 and 3,385 respectively, in 1990. The reported serious crimes were as follows (in parentheses are the figures for the same type of offence in 1990): violence against individuals, 437 (641); sexual offences, 30 (21); burglary, 294 (229); robbery, 12 (10); theft, 1,485 (1,386); criminal damage, 705 (615); dangerous drugs, 527 (407); and other offences, 115 (76).

67. There is one correctional institution in Gibraltar. It comprises 36 cells, a sick bay, recreation rooms, workshop, classroom, canteen, laundry, kitchen, visit halls, chapel, a library containing over 4,000 books and a small gymnasium. The number of prisoners held in 1991 was 193, the daily average inmate population being 26 as compared with 23 in 1990. The supervision of the prison is carried out by the Prison Board in accordance with the Prison Ordinance of the Territory.

68. According to press reports, 28/ on 27 May 1994, the Director-General for European Affairs of Spain presented an official complaint to the Ambassador of the United Kingdom to Madrid in connection with drug trafficking from and through Gibraltar. The Government of Spain reportedly requested the United Kingdom's cooperation in the prevention of narco-trafficking and other illicit transshipments from and through Gibraltar.

D. Environment

69. The Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora has been extended to apply to Gibraltar as a dependent Territory for which the United Kingdom, a contracting party to the Convention, has responsibility. The Endangered Species (Imports and Exports) Ordinance of 1976 gave effect in the Territory to the provisions of the Washington Convention. The Animals and Birds Ordinance protects fauna in the Territory and the Heritage Trust Ordinance provides for the protection of sites of natural beauty and scientific interest.

70. On 27 January 1994, a Spanish non-governmental ecological organization, Verdemar, communicated to the Commission of the European Communities a complaint alleging that Gibraltar had been failing to fulfil its obligations with regard to the preservation of the environment of the Catalán Bay. That complaint is to be examined by the relevant organs of the Commission of the European Communities. 29/

71. In April 1994, a Spanish non-governmental organization, the Asociación Gaditana para la Defensa y Estudio de la Naturaleza, communicated to the Commission of the European Communities a request to examine the capacity and technology used by incinerators in Gibraltar, alleging that those installations were creating additional residual waste contamination problems for Europe. 30/

E. Housing

72. During 1989 and 1990, an extensive sea reclamation scheme carried out in the harbour waters increased the land area of the Territory by 5 per cent over the previous area of 584 hectares. The reclaimed land has increased the total flat land of Gibraltar by 10 per cent.

73. Overcrowding is considered a major social problem in the Territory. According to the 1991 population census, Gibraltar had an average population density of 45.8 persons per hectare, excluding servicemen, visitors and transients. It has been estimated that 14 per cent of the housing stock is overcrowded.

74. According to press reports, 31/ the territorial Government introduced a new housing policy in January 1994. Under the new policy, low-income families who live in acutely overcrowded and poor sanitary conditions would be considered eligible to obtain government-owned dwellings.

F. Public health

75. The Government's medical and health services consist of hospital services, medical treatment by specialists outside government hospitals where such treatment is beyond the scope of local resources, child welfare and school health services, domiciliary and out-patient treatment of persons coming under the scope of the District Medical Service, the Domiciliary Medical Service, the Ports and Airport Health Service and the Environmental Health Service and Laboratories.

76. The state of health and nutrition is reported to be good and to comply with the standards expected in developed countries. There have been no outbreaks of epidemic or endemic diseases. The principal causes of death are cardiovascular, cerebrovascular, malignant and respiratory (excluding neoplasms) diseases.

77. The main health facility in the Territory is the St. Bernard Hospital. It has a total of 192 beds and provides comprehensive out-patient services and in-patient treatment for serious medical and surgical cases. Patients from neighbouring areas of Spain also use the hospital for treatment and hospitalization. In addition, the hospital has a maternity section and two wards for elderly patients. Psychiatric treatment is provided by the King George V Psychiatric Unit, which has accommodation for 60 patients. A health centre provides general practice surgery as well as child welfare and school medical services. Certain medical specialties not provided by the Gibraltar public health facilities are covered by a programme of visits by consultants from the United Kingdom.

G. Education

78. Education is free for all children up to "A" level standard and is compulsory for those between 5 and 15 years of age. At the end of 1991, 2,930 pupils were enrolled in the 12 government primary schools, 231 in the one

private primary school and 436 in the two services primary schools, making a total of 3,597 students. The language of instruction is English, while Spanish is taught as a second language, particularly in the secondary schools. In 1991, there was a total of 322 teachers for all schools in the Territory.

79. Press reports indicate that in January 1994, following the decision to abolish the national school curriculum by the Government of the United Kingdom, the Government of Gibraltar established a working group charged with examining possible implications of that decision. The Gibraltar territorial Minister of Education, Mr. Joe Moss, argued that Gibraltar, which had been following the United Kingdom national curriculum, should also redirect the emphasis in education on vocational aspects and scrap the national curriculum. 32/

80. Technical and vocational training is provided at the two government comprehensive secondary schools and at the Gibraltar College of Further Education. This college comprises two separate departments (technology, and business and commercial studies), which conduct a variety of courses leading to national diploma certificates.

81. The Government of Gibraltar and a number of private institutions provide scholarships to young persons who have the ability and the necessary qualifications to pursue a college-level education. Most of these students travel to the United Kingdom to complete their university degree.

Notes

1/ The information contained in the present paper has been derived from published reports.

2/ For details, see Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 23 (A/7623/Rev.1), vol. III, chap. XI, annex, paras. 7-23.

3/ The Gibraltar Chronicle, 22 March 1993.

4/ Ibid., 17 August 1993.

5/ Ibid., 11 February 1994.

6/ The Gibraltar Chronicle, 17 January 1992; see also Le Monde (Paris), 19-20 January 1992.

7/ The Gibraltar Chronicle, 17 January 1992.

8/ Ibid., 25 November 1993.

9/ Ibid., 25 February 1994.

10/ Ibid., 26 February 1994.

11/ Ibid., 15, 18 and 19 February 1994.

12/ Ya (Madrid), 27 February 1994.

13/ Resolution No. 24 of 20 April 1994 of the Congress of Deputies, Madrid.

14/ Ibid., 17 March 1994.

15/ Ibid., 21 September 1993 and 4 February 1994.

16/ Ibid., 16 October and 16 November 1993, and 5 February 1994.

17/ Ibid., 6 August 1993.

18/ ABC (Madrid), 23 September 1992; see also Ya (Madrid), 23 September 1993.

19/ The Gibraltar Chronicle, 12 March 1994.

20/ Ibid., 16 March 1994.

21/ The Financial Times (London), 12 April 1994.

22/ The Gibraltar Chronicle, 14 and 15 September 1993; 9 October 1993; 8 and 23 November 1993; and 5, 17 and 22 February 1994.

23/ The Observer (London), 3 December 1993 and 7 March 1994; see also Europa Sur (Madrid), 16 March 1994 and 27 April 1994; and El Pais (Madrid), 15 March 1994.

24/ Boletín del Estado, No. 30, February 1985, Madrid.

25/ The Gibraltar Chronicle, 23 March 1994.

26/ ABC (Madrid), 2 and 4 January 1994.

27/ Europe, Agence Europe, Strasbourg, No. 6155, 24/25 January 1994.

28/ ABC (Madrid), 3 June 1994.

29/ Europa Sur (Madrid), 2 November 1993 and 12 April 1994; see also Europa Press (Cadiz), 11 April 1994.

30/ Europa Sur (Madrid), 17 April 1994.

31/ Ibid., 13 January 1994.

32/ Ibid., 10 January 1994.